

1946



File No. O. Motor cycles
control / 46

Legal Dept.

A BRANCH

Subject:— The Motor cycle control
order 1945

Opinions under the

R-1/E

File No. O Motor cycles control / 46

Gen. 194 a

152 A

Office of the R.L.A.

It appears that by H.D. Notification No. 8950/4, dated the 31st December 1945, in exercise of the powers vested under clause 3(e) of the Motor Cycles Control Order, 1945, Government has appointed the Secretary, Provincial Transport Authority, Bombay to be the Provincial Motor Transport Controller and has also authorised Mr. W.H. Whitfield, I.C.S., Deputy Provincial Motor Transport Controller (General) to perform all the functions of the Provincial Motor Transport Controller under the said Order. The question for the consideration of the R.L.A. is whether by virtue of the said authorisation ~~whether~~ those two officers can exercise the powers under clause 13 of the Order or whether special authorisation under clause 13 would be necessary.

2. The Motor Cycles Control Order, 1945, specifies clearly the powers and duties of the Provincial Motor Transport Controller appointed or authorised under 3(e); see clauses 4, 6, 9(2), 10(a), 11(2), and 12. Clause 13 provides that an officer empowered in this behalf by the Central Government or by the Provincial Government may with a view to securing compliance with this Order do any of the acts specified in sub-clauses (a) to (d). It is therefore clear that clause 13 provides for a special authorisation and an officer appointed or authorised under clause 3(e) cannot exercise the powers under clause ~~22x~~ 13 ~~providing~~ unless he is also authorised under that ~~the~~ clause.

O/C. 31/-
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U.R. to H.D. No. 775, dated the 29th January 1946.

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